

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

DEAN R. LOPPNOW,

8:08CV510

Plaintiff,

V.

MEMORANDUM AND ORDER

UNITED STATES OF AMERICA,
INTERNAL REVENUE SERVICE,
and JEFF STOTKO, Special Agent,
IRS,

Defendants.

This matter is before the court on its own motion. Plaintiff filed his “Petition to Quash Internal Revenue Service Third Party Administrative Summonses” on November 24, 2008. (Filing No. 1.) Plaintiff paid \$39.00 as a filing fee. (*Id.*) However, the “Petition” is a civil matter, which requires a \$350.00 filing fee. Thus, this case cannot proceed unless the full \$350.00 filing fee is paid. Plaintiff shall have until December 29, 2008 to pay the balance of the filing fee, or alternatively, to submit a motion for leave to proceed in forma pauperis and an affidavit in support.

IT IS THEREFORE ORDERED that:

1. Plaintiff shall have until **December 29, 2008** in which to pay the balance of the court's \$350.00 filing fee in this matter.
2. Alternatively, Plaintiff may submit a motion for leave to proceed in forma pauperis and affidavit in support.

3. In the event that Plaintiff fails to either pay the remainder of the filing fee or to submit a motion to proceed in forma pauperis, this matter will be dismissed without further notice and without prejudice.

4. The Clerk of the court is directed to set a pro se case management deadline in this case with the following text: December 29, 2008: deadline for Plaintiff to pay balance of fee or file IFP motion.

5. The Clerk of the court is directed not to issue summons in this matter pending further order of the court.

November 25, 2008.

BY THE COURT:

s/ Joseph F. Bataillon
Chief United States District Judge